

TITLE 326 AIR POLLUTION CONTROL BOARD

#98-40(APCB)

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from September 1, 1998, through September 30, 1998, on IDEM's draft rule language. IDEM received comments from the following parties:

Perry Maintenance & Compliance (Perry)
Indiana Petroleum Marketers & Convenience Store Association (IPCA)

Following is a summary of the comments received and IDEM's responses thereto.

Comment: IDEM should clearly define the terms “tank wagon,” “tanker,” and “transport” in the proposed rule by size, design, or other easily visible method. (Perry)

Response: The definition for “tankwagon” can be found at 326 IAC 1-2-80. “Transport” is defined at 326 IAC 1-2-84. The term “tanker” is not used in this rule.

Comment: IDEM should clarify the size of transports to be tested under the proposed rule change. Our understanding is that, under the existing rule, a vehicle mounted with a tank holding two thousand (2,000) gallons and greater is to be tested. Tanks not equipped with a vapor recovery system are exempted from testing requirements regardless of size. (Perry)

Response: Gasoline transports with a tank capable of holding two thousand (2,000) or more gallons are to be tested under the requirements of the proposed rule change. Transfer of gasoline between a transport and a storage tank that is not equipped with a vapor balance system or vapor recovery system is not subject to 326 IAC 8-4-7, which regulates compliance with loading procedures, or to 326 IAC 8-4-9, which contains testing requirements.

Comment: IDEM should clarify whether tankwagons not equipped with vapor recovery are to be tested. (Perry)

Response: Under Indiana state law tankwagons remain exempt from testing requirements, as 326 IAC 8-4-7 and 326 IAC 8-4-9 apply only to gasoline transports, not to tankwagons. Federal law, however, requires tankwagons loading at terminals that are considered major sources of hazardous air pollutants to be tested under the requirements of 40 CFR 63.425(e).

Comment: Table 1 of the proposed rule lists different testing requirements for different sizes of cargo tanks or compartments. IDEM should state that transports with tanks that have multiple compartments and a common vapor recovery system should be subject to the testing requirement for the total tank size. (Perry)

Response: IDEM has simplified the testing requirements by eliminating Table 1 in the draft rule. All gasoline transports loading at new sources or at sources in Boone, Clark, Dearborn, Elkhart, Floyd, Hamilton, Hancock, Harrison, Hendricks, Johnson, Lake, Marion, Morgan, Porter, St. Joseph, and Shelby counties, with a tank or multiple compartments capable of holding a total of two thousand (2,000) or more gallons, shall meet the same criteria to pass the new testing requirements. The testing requirements are also applicable to transports loading at facilities anywhere in the state that are considered to be major sources of hazardous air pollutants.

Comment: We oppose dropping the sticker program because cabs are frequently interchanged among several trailers (cargo transporters). It would be extremely difficult for these fleets to keep the correct paperwork in the cab for the trailer being pulled. The test papers could be kept with the transport via a lock box affixed to the cargo trailer itself, but at a cost of \$75 to \$100 per trailer. A sticker affixed to the cargo trailer is the most efficient and effective method for demonstrating that a transport is in compliance. (IPCA)

Response: IDEM is seeking ways to reduce the administrative burden of this program while maintaining elements that result in environmental protection. IDEM is working with the commenter and affected sources to consider the value of retaining the sticker program and alternative methods of assuring compliance.

Comment: Dropping the sticker program would cause a special hardship for those transporters who access petroleum terminals located in Indiana's border states. For example, the State of Illinois recognizes the sticker number issued by IDEM. Without a sticker number this reciprocity would become more complicated or possibly be eliminated. (IPCA)

Response: IDEM will investigate this issue further and work with Indiana sources to avoid complications with neighbor states.

Comment: Alternatively, testing facilities could be allowed to issue the stickers. The stickers could be affixed immediately to the cargo vehicle. The program was operated this way initially. IDEM could audit the testing facilities. (IPCA)

Response: IDEM encourages transports, terminals, and testing facilities to consider tracking systems that simplify these requirements and will work with anyone interested on possible approaches. It is important that any verification system allow the department to readily verify that the transport has been properly tested, and passed, within the previous year.

Comment: We disagree with the new language in 326 IAC 8-4-9(b)(2) that states "No person shall allow a transport subject to this rule to be filled or emptied until repair and retesting have been completed." Under the existing rules terminal operators have allowed transports in line at the terminal to be filled but not allowed to return until after retesting has been completed. We do not believe there is a need to change these practices at this time. (IPCA)

Response: IDEM agrees that it is not necessary at this time to change the language in IAC 326 8-4-9(b)(2). Other modifications to the rule should provide the structure needed to ensure

compliance with vapor tightness requirements.